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UNCLAS NIAMEY 000206

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E.O. 12958: N/A
TAGS: [ELAB](#) [EIND](#) [ETRD](#) [KTIP](#) [PHUM](#) [SOCI](#) [NG](#)
SUBJECT: NIGER INFORMATION ON CHILD LABOR AND FORCED LABOR

REF: 09 STATE 131997; 09 NIAMEY 0092

[¶1](#). Post's response corresponds to checklist in para 15, sections 1A through 1F, and para 21, sections 2A through 2G of ref A.

1A)- 1F) PRODUCTION OF GOODS

Post has no information indicating significant forced labor or exploitative child labor in the production of goods in Niger. Children work in the agricultural, commercial, mining, and artisanal sectors, but the quantity of goods produced is not substantial enough to warrant inclusion in this report. Uranium is the country's most important export, and there are no reports of relevant abuses in this sector. Please also refer to Ref B.

[¶2](#).

[¶A](#). PREVALENCE AND SECTORAL DISTRIBUTION OF EXPLOITATIVE CHILD LABOR.

In 2007, a collaborative study by the Ministry of Civil Service and Labor, the National Statistics Institute (INS), and the International Labor Organization (ILO) showed that 27 percent out of a sample of 600 children work in the rural sector (agriculture, livestock raising, and fishing), 20 percent work in the artisanal mining sector (mainly gold mines), 34 percent work in the manufacturing and maintenance sector (mechanic, welding, metal work, handicrafts, tannery, and slaughterhouses), and 18 percent work in the service sector (peddling, small trade, domestic work, and begging). The majority of child workers surveyed (73 percent) were children under 15 years old employed in the informal sector, and 77 percent of the child workers were from families living in precarious conditions.

A survey carried out by the National Commission on Human rights and Fundamental Liberties (CNDHFLF) in 2008 found that children were employed in the following sectors: peddling (33 percent); domestic work (17 percent); mechanic help (11 percent); and welding, carpentry, package handling, and traditional gold mining (22 percent). The survey reports that the work performed by children is proposed by a family member (49 percent), or is undertaken on the child's own initiative (40 percent). The purpose of working is to help their family (46 percent) or while awaiting a better paying job (18 percent). The survey reports that 78 percent of the children are paid for the work they perform. Children work during

the day (78 percent) but also in the evening (26 percent), sometimes for ten hours (15 percent) or 12 hours (10 percent) per day. Twenty-nine percent of the child workers reported that they have been mistreated, e.g., insults (19 percent), physical violence (9 percent), salary cuts (3 percent), and are not able to lodge complaints (46 percent).

The 19 child protection NGOs and associations representatives interviewed by the CNDHLF survey reported that child labor occurs essentially in the agricultural sector (32 percent) and domestic work (26 percent), but the worst forms relate to sexual exploitation (21 percent of responses).

During a June 25 fact-finding visit to three traditional gold mining sites in Tillabery region, Embassy officials were told by ILO representatives that at least 10,000 children worked in the mines. The government also provided sensitization and training sessions on the fight against child labor in artisanal gold mining to technical partners, local officials, and community leaders.

According to the Ministry of Civil Service and Labor, 150 children including 90 girls were rescued from exploitation in streets, slaughterhouses, and sexual exploitation, and reinserted in the

socio-professional life during the year. In addition, 115 children including 46 girls were rescued from exploitation in traditional gold mines at M'Banga and Komabangou, and reinserted in socio-professional life.

B. LAWS AND REGULATIONS.

The Ministry of Civil Service and Labor adopted a list of occupations considered to be the worst forms of child labor (WFCL) as called for in Article 4 of ILO Convention 182. The list is part of the Labor Code review package expected to be approved by the Council of Ministers and promulgated as a decree. In November 2009, the Ministry of Civil Service and Labor validated a National Action Plan on the fight against child trafficking for the period of 2010-2015. The country's legal corpus is adequate overall for addressing exploitative child labor. Although the fines provided by the Labor Code, last updated in 1996, are probably still adequate to punish and deter violations, the vigor with which they are applied may not be.

C. INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT - hazardous child labor and forced child labor

2C, Section I: Hazardous child labor

The Ministry of Civil Service and Labor is the agency responsible for implementation and enforcement of child labor laws. The Ministry for the Promotion of Women and Protection of Children coordinates the Government of Niger's (GON) overall child protection policy. Coordination between the two ministries is poor. In addition, each of the ten district courts and the 36 magistrates' courts has at least one special judge assigned to address children's issues, including child labor. All judicial police sections at the regional and district levels may take up cases involving juveniles and refer them to the judge.

The Ministry of Civil Service and Labor has approximately 100 inspectors deployed nationwide who are responsible for investigating cases of child labor as well as enforcing all other elements of the Labor Code. This number is way below the ministry's needs, but the government has increased its allocations to the nine regional labor inspectorates over the past few years. For example, the government allocation of 25,182,000 CFA (over USD 51,000) for labor inspections in 2007 was eight times the amount that had been allocated in 2005. Niger is a huge country and the majority of the population is rural; the Ministry of Civil Service and Labor noted that the allocation is insufficient to provide resources, including transportation and fuel, necessary for effective inspections.

While the Ministry of Civil Service and Labor claims that it carries out routine inspections, the ministry is unable to provide any data regarding the number of complaints, investigations, and prosecutions related to the worst forms of child labor. The Ministry argues that in fact most child labor takes place in the informal sector of the economy, which is typically beyond the purview of the authorities. The Ministry of Labor reports that during the past year the national chapter of the International Programme on the Elimination of Child Labor (ILO/IPEC) rescued 69 boys and 46 girls from exploitation in mines, and enrolled them in activities such as sewing, carpentry (for boys) and restaurant and beauty salon services (for girls).

No child labor cases or "prosecutions" were opened during the year. When they occur, child labor cases may take several months to resolve. However, the Ministry of Civil Service and Labor reported that law enforcement authorities recently prosecuted 11 cases of abduction of minors, three of which resulted in convictions. The Ministry was not able to provide information about the penalties that were applied.

The Government of Niger is taking steps to combat exploitative child labor through improved legislation and child labor issues feature prominently in the government's multi-faceted public education campaign on children's rights. The government continues to organize workshops and other public

awareness sessions in order to train and sensitize law enforcement officers, journalists, religious leaders, traditional chiefs, and other community leaders on the need to protect children and to develop legislation that specifically addresses child exploitation. This continuous training allowed labor inspectors to develop the "reflex" to ask certain basic questions during their investigation and monitoring visits.

2C, Section II: Forced Child Labor

Issues related to forced child labor are addressed by the same agencies and enforcement processes of the Ministry of Civil Service and Labor as outlined above.

In accordance with traditional practice, some Nigerien parents give their children to religious teachers, or marabouts, for a sort of apprenticeship in which the marabout teaches the child the Koran and prepares him for a career as a religious scholar and teacher. Some marabouts require their wards to beg in the streets or to work to earn the cost of their education, room, and board. In a 2005 USG-sponsored study, 93 out of 123 marabouts interviewed (75.6 percent) responded that they required their students to work for them.

trafficking, commercial sexual exploitation of children (CSEC), use of children in illicit activities.

2D, Section I: Child Trafficking

Niger does not have any specialized government agencies or personnel for the enforcement of child trafficking. However, a number of different government agencies are involved in anti-trafficking efforts, including the Ministries of Interior and of Justice. The Ministry of Justice is the lead agency on trafficking. In addition, each of the ten district courts and the 36 magistrates' courts has at least one special judge who addresses children's issues. All judicial police sections at the regional and district levels may handle cases involving juveniles and refer them to the judge.

Given the GON's limited capacities, agencies did not have adequate resources to conduct their activities. Niger does not have a special hotline, but cases of child trafficking can be reported to the judicial police, government social workers, or non-governmental organizations (NGOs). In order to implement ILO Convention 182 and the various bilateral and multilateral agreements against child trafficking, the government established 30 watchdog teams or "vigilance committees" and set up several joint brigades along the borders. During the reporting period, NGOs rescued 219 child trafficking victims.

It takes several months to resolve cases of child trafficking, and prosecution is difficult in the absence of a specific law criminalizing trafficking. According to the Ministry of Civil Service and Labor, in some cases charges were dropped due to "lack of legal evidence" and marabouts arrested for exploiting children for economic purposes were released after their pretrial custody.

2D, Section II: Commercial Sexual Exploitation of Children

The same agencies described in 2D, Section I above are responsible for the enforcement of laws relating to commercial sexual exploitation of children. The Penal Code criminalizes the procurement of a minor for the purpose of prostitution. The same processes described above apply to sexual exploitation of children.

The Ministry of Civil Service and Labor reported that vigilance committees rescued 150 children from exploitation including 90 girls from sexual exploitation. However, there were no arrests or prosecutions.

On July 8, 2009 upon a complaint lodged by Ecole Parrainage Action de Développement (EPAD). Niger, the Tribunal of Madaoua, Tahoua Region, arrested two suspected traffickers who used six girls and two boys in a prostitution ring in Nigeria. The suspects were released after serving a sentence of two months in jail. EPAD enrolled the victims in a counseling and reinsertion program. One of the girls received support to open a telephone service center; two girls received sewing machines and operated their own business; one of the boys went back to school and the second now sells telephone charge cards. Three girls continue to be enrolled in a vocational training program.

On July 9, 2009, upon EPAD Niger's report, police arrested nine people on charges of sexual exploitation of two girls. The suspected criminals were released three weeks later.

2D, Section III: Use of Children in Illicit Activities

The same agencies described in 2D, Sections I and II above are

responsible for the enforcement of laws relating to Use of Children in Illicit Activities. Provisions of the penal code and the same processes described above apply to sexual exploitation of children.

E) GOVERNMENT POLICIES ON CHILD LABOR

The government has developed and adopted a National Plan for the Fight against the Sexual Exploitation of Children.

In November 2009, the government developed and validated a National Action Plan against the Worst Forms of Child Labor in Niger. The government indicated that the plan is funded by the national budget with support from donors (ILO/IPEC, UNICEF), but was not able to provide the amount of funding.

Child labor is specifically incorporated in Niger's 2008-2012 Accelerated Development and Poverty Reduction Strategy Paper.

The Ministry of Civil Service and Labor provided capacity building training for 220 people including 35 percent of women representing implementing and partner agencies in design, monitoring, and implementation of action plans on the fight against child labor.

During the first quarter of 2010, the Ministry of Civil Service and Labor, in conjunction with the National Statistics Institute (INS) and the ILO, will release the final results of a national survey on child labor. The survey was designed to generate data on children's educational, economic, and non-economic activities and to create a qualitative and quantitative database of child labor in Niger.

The National Statistics Institute is conducting a baseline study on child labor in mines.

The GON collaborates with donor efforts to withdraw children from the labor force and reinsert them into schools and vocational training programs. The ILO assisted the GON's efforts to create a special child-labor division within the Ministry of Civil Service and Labor. This office was established in September 2005 and is charged with the coordination of the government's efforts to end the worst forms of child labor. The office is also charged with conducting studies on the scope and nature of the problem.

The GON has created a multi-ministerial Commission for the Coordination of the Fight Against Trafficking in Persons, to serve as the nodal agency for work on trafficking in persons. In 2006, the GON created a National Commission Against Forced Labor and Discrimination including representatives of the Minister of Labor, the ILO, the civil society, labor unions and traditional chiefs.

Niger ratified the Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN convention Against Transnational Organized Crime. Niger ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography. The GON has enacted the July

2005 Multilateral Agreement to Combat Child Trafficking in West Africa. In December 2006, Nigeria and Niger prepared a bilateral memorandum of agreement on cooperation to prevent, suppress and punish trafficking in persons especially women and children. The agreement has not been signed at the end of the reporting period.

F) SOCIAL PROGRAMS TO ELIMINATE OR PREVENT CHILD LABOR

The government carried out several actions in order to prevent children's engagement in the Worst Forms of Child Labor:

- * improved school attendance, especially in mining zones;
- * creation of improved koranic schools in all regions;
- * vocational training for children working in mines and those who dropped out of school; and
- * government-supported welcome and reinsertion centers for victims of the worst forms of child labor, which have rescued 196 girls from domestic labor and reinserted them in acceptable occupations.

Under the ILO/IPEC project, the Ministry of Civil Service and Labor supported the following actions:

- * sessions to inform, sensitize, and train technical partners, local officials, and community leaders on the fight against child labor in mines;
- * school enrollment for 922 children including 440 girls at Komabangou II gold mining site and surrounding villages in order to prevent the WFCL;
- * school enrollment for 1,273 children including 593 girls at M'Banga mining site and surrounding villages;
- * teacher recruitment for primary schools in M'Banga, Komabangou, and 16 surrounding villages;
- * program intended for 206 children including 46 girls for the development in Komabangou of an entertainment hall, a soccer and volleyball field, the provision of sports equipment, and support for the training of sports, arts, and leisure clubs;
- * literacy training and skill building for 100 parents of children working in mines;
- * capacity building for 214 community leaders and members of the Association of Niger's Gold Traditional Gold Diggers and other associations on the functioning of organizations and on non-violence and conflict management;

* community mobilization for the construction of 19 adobe classrooms; and

* installation of a Local Child Labor Observation and Monitoring Committee (CLOSTE) at Komabangou and M'Banga.

The GON supported and cooperated with US DOL's three-year

(2006-2009), USD 3 million program on the prevention and elimination of child labor in mining in West Africa, implemented through a partnership with the ILO's International Programme on the Elimination of Child Labor (IPEC). The program had funded public education/sensitization projects at two gold mining sites in Niger at Komabangou and M'Banga.

Two projects have been implemented at the Komabangou site. The goal of the first project, implemented by a local NGO, AFETEN (Action en Faveur de l'Elimination du Travail des Enfants au Niger), was to combat child labor by helping 100 women miners achieve literacy and by providing vocational training to 100 girls between the ages of 14 and 17. The project also provided microcredit financing so that they could become better integrated into the non-mining economy.

The goal of the second USDOL/ILO/IPEC project, implemented by the local NGO Action-Education, was to reduce child labor through providing sensitization, sports, and civic education for 1,118 children aged 7 to 17. The two projects were completed in July 2009.

Two vocational training programs for children were the focus of

activities at the M'Banga site. A project implemented by local NGO ALTEN (Association pour la Lutte contre le Travail des Enfants au Niger) was designed to rescue 680 child miners and to support 100 of their family members. The second project, implemented by EPAD (Ecole-Parrainage et Action de Developpement), involved community organization and socio-professional insertion of 100 child workers. Both projects were completed in July 2009.

Public awareness remains a critical element in efforts to improve legal protections and enforcement. The GON continues a public education campaign on children's rights in collaboration with UNICEF and the ILO. Since 2001, the GON and the ILO have collaborated on a number of programs designed to improve law enforcement and sensitize civil servants, parents, traditional chiefs, and other key actors on the issue of child labor. For example, on the occasion of the International Day of the Fight against Child Labor (June 12), the International Labor Organization's International Program for the Elimination of Child Labor (ILO/IPEC) and the Ministry of Civil Service and Labor organized public events and a conference to raise public awareness of the issues Niger faces in combating the worst forms of child labor and child trafficking. The events received wide media coverage.

On June 16, 2009, Niger's First Lady and the Minister of Women's Promotion and Children's Protection chaired a town hall meeting to sensitize the public on the occasion of the African Children's Day. Several cabinet members, diplomats, international organization representatives, NGOs, and the public attended the event. The Minister of Women's Promotion and Children's Protection stressed the GON's commitment to implement the relevant ILO conventions ratified by Niger, notably ILO Convention 182, in order to improve the situation of Niger's children. The Minister called on the population to "massively" participate in all of the child protection sensitization sessions and urged the media to provide extensive coverage of the activities. During the event, the Coalition of NGOs and Associations supporting Childhood in Niger

(CONAFE-Niger) announced that it welcomed "encouraging progress" in child protection, but added that it "deplores the National Committee on Child Survival's lethargy and the lack of resources to facilitate its work...CONAFE-Niger is deeply concerned by the non-adoption of the Children's Code and the anti-trafficking law, and the inexistence of several legal provisions."

On July 28, 2009, the Nigerien Association for the Fight against Delinquency (ANTD), a local NGO working on child labor and trafficking, and the Open Society Initiative for West Africa (OSIWA), organized a three-day workshop to sensitize marabouts (religious teachers) on the promotion of children's rights and the fight against children's forced and illegal migration. The United States Ambassador opened the workshop, and reiterated USG and her strong personal support for efforts to combat child labor and trafficking.

The GON carried out and/or supported, with measured improvement, the above activities in line with the implementation of ILO conventions and the various bilateral and multilateral agreements on the fight against child trafficking.

G) CONTINUAL PROGRESS

The GON acknowledges the existence of child labor, considers it a problem, and is taking steps, consistent with its means, to combat the worst forms of child labor. The GON has taken various measures to protect children through legislation, and continues its multi-faceted public education campaign on children's rights, forced labor issues, efforts to improve girls' education, the dangers of child marriage, improvements in birth registration, and the withdrawal since 2002 of over 7,000 children from the labor force and their reinsertion into schools and vocational training programs.

The USDOL/ILO/IPEC projects have contributed to reducing child labor in especially dangerous environments. Acting through the Ministry of Civil Service and Labor, the Ministry of Basic Education, and the Ministry of Territorial Management and Community Development, the GON has played a key role in the success of the USDOL/ILO/IPEC programs, and has added its own financial and human resources to the projects to ensure their success. Over 7,000 children have been removed from dangerous work environments since 2002 and many thousands more who were at risk of entering the workforce have been sensitized to its dangers and received support that enabled them to remain in school.

Notwithstanding the rescue and reintegration of hundreds of victims, child labor continues, especially in artisanal gold mining, in domestic work, and by children indentured to marabouts.

Despite its limited resources and the complex political developments it has been going through over the past 13 months, Niger is making continual progress toward eliminating the worst forms of child labor. Given its limited capacities, the GON works best when international organization or NGO partners assist it with resources and tactics. Considering the actions described above taken by the Ministry of Civil Service and Labor, ILO/IPEC, and NGOs this year, there has been an increase overall in addressing child labor issues. Lack of accurate data and coordination among government offices makes it difficult to determine the full scope of Niger's problem. Child labor is widespread, but much of this

labor does not meet the legal standard for worst forms of child labor.

It is expected that the results of the INS and ILO survey due during the first quarter of 2010 are will provide valuable data and other information on the situation of child labor in Niger.

WHITAKER